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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724
23696	7590	04/27/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	9

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,588

Applicant(s)

CHMAYTELLI ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marran, Criss et al., Sheih et al., Chan et al., & Heinonen et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leppanen, Reijo (WO 97/16938) in view of Hoffman.

1. Regarding Claim 1, Leppanen disclosed A method of constructing a wireless telephone (MS; fig.1; abstract), comprising operations of:

installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (pg.9; 6-pg.10; 8).

Leppanen fails to disclosed providing wireless telephone circuitry. However, Hoffman teaches in an analogous art, that providing wireless telephone circuitry including storage (53; fig.3); providing processing circuitry (101; fig.5; COL.15; 38-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing wireless telephone circuitry in order to provide development and distribution of wireless terminal devices with new features.

2. Regarding Claim 2, Leppanen disclosed The method of claim 1, further comprising operations of: downloading one or more application programs to the storage. (pg.10; 12-19)

3. Regarding Claim 3, Leppanen disclosed The method of claim 1, wherein the installing operation comprises: the telephone wirelessly downloading the recall program from a remote server. (pg.10; 20-27).

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4. Regarding Claim 4, Leppanen disclosed A method of operating a wireless telephone, (abstract)

installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (pg.9; 6-pg.10; 8).

Leppanen fails to disclosed providing wireless telephone circuitry. However, Hoffman teaches in an analogous art, that providing wireless telephone circuitry including storage (53; fig.3); providing processing circuitry (101; fig.5; COL.15; 38-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing wireless telephone circuitry in order to provide development and distribution of wireless terminal devices with new features.

5. Regarding Claim 5, Leppanen disclosed The method of claim 4, the uninstalling operation comprising: the wireless telephone receiving a recall command via a wireless network, the recall command identifying at least one application program and containing instructions to uninstall the identified application program; automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. (pg.9; 6-pg.10; 8)

6. Regarding Claim 6, Leppanen disclosed The method of claim 5, operation of receiving the recall command comprising: receiving a recall message containing instructions to obtain the recall command from a recall command source, and obtaining the recall command from the recall command source. (pg.9; 6-pg.10; 8)

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7. Regarding Claim 7, Leppanen disclosed The method of claim 5, operation of receiving the recall command further comprising: the telephone sending one or more polling messages to a recall command source prompting the recall command source to transmit the recall command. (pg.9; 6-pg.10; 8).

8. Regarding Claim 8, Leppanen disclosed The method of claim 5, the identified application programs being resident upon the wireless telephone. (pg.6; 16-28).

9. Regarding Claim 9, Leppanen disclosed The method of claim 5, wherein: the operations further comprise the telephone referencing a local database to determine whether the identified application program resides in the storage; the uninstalling operation comprises uninstalling application programs determined to reside in the storage. (pg.9; 6-pg.10; 8).

10. Regarding Claim 10, Leppanen disclosed A method for recalling one or more application programs resident upon a wireless telephone (abstract), comprising operations of:

installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (pg.9; 6-pg.10; 8).

Leppanen fails to disclosed providing wireless telephone circuitry. However, Hoffman teaches in an analogous art, that providing wireless telephone circuitry including storage (53; fig.3); providing processing circuitry (101; fig.5; COL.15; 38-61) Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of invention to include providing wireless telephone circuitry in order to provide development and distribution of wireless terminal devices with new features.

11. Regarding Claim 11, Leppanen disclosed The method of claim 10, further comprising: responsive to the recall commands, the wireless telephones uninstalling the identified application programs. (pg.9; 6-pg.10; 8).

12. Regarding Claim 12, Leppanen disclosed A method of constructing a wireless telephone (abstract), comprising operations of:

installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (pg.9; 6-pg.10; 8).

Leppanen fails to disclosed providing wireless telephone circuitry. However, Hoffman teaches in an analogous art, that providing wireless telephone circuitry including storage, (53; fig.3); providing processing circuitry (101; fig.5; COL.15; 38-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing wireless telephone circuitry in order to provide development and distribution of wireless terminal devices with new features.

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13. Regarding Claim 13, Leppanen disclosed The module of claim 12, the processing circuitry comprising application-specific integrated circuitry. (pg.2; 29-pg.3; 7)

14. Regarding Claim 14, Leppanen disclosed The module of claim 12, further comprising: a download client configured to download one or more application programs to the storage. (pg.10; 20-27)

15. Regarding Claim 15, Leppanen disclosed The method of claim 12, the uninstalling operation comprising:

the wireless telephone receiving a recall command via a wireless network, the recall command identifying at least one application program and containing instructions to uninstall the identified application program; automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. (pg.9; 6-pg.10; 8).

16. Regarding Claim 16, Leppanen disclosed The method of claim 15, operation of receiving the recall command comprising: receiving a recall message containing instructions to obtain the recall command from a recall command source, and obtaining the recall command from the recall command source. (pg.9; 6-pg.10; 8).

17. Regarding Claim 17, Leppanen disclosed The method of claim 15, operation of receiving the recall command further comprising: the telephone sending one or more polling messages to a recall command source prompting the recall command source to transmit the recall command. (pg.9; 6-pg.10; 8).

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18. Regarding Claim 18, Leppanen disclosed The module of claim 15, further comprising one or more application programs resident in the storage. (pg.10; 12-19)

19. Regarding Claim 19, Leppanen disclosed The method of claim 15, wherein: the operations further comprise the telephone referencing a local database to determine whether the identified application program resides in the storage; the uninstalling operation comprises uninstalling application programs determined to reside in the storage. (pg.9; 6-pg.10; 8).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria
April 22, 2004


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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